

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROOCHI TRADERS INCORPORATED,

*Plaintiff,*

-against-

TIP TOP TEES INC., GLAMOUR LINE INC.,  
GLAMOUR (USA), INC., ALPHA  
MERCHANDISING CORP., ROSE DEAL,  
INC., HARYASH PAUL, MOHAMMED  
RAHMAN, MOHAMMED FAROQUE, JOHN  
DOES 1-10, JANE DOES 1-10, and XYZ  
COMPANIES 1-10,

*Defendants.*

CIVIL ACTION NO.

[FILED UNDER SEAL PURSUANT TO  
15 U.S.C. § 1116]

**DECLARATION OF SAJID ALI**

I, Sajid Ali, hereby declare as follows:

1. I am the Vice President of East Coast Operations for Roochi Traders Incorporated ("Roochi"). Roochi is a California corporation having its principal place of business at 6393 East Washington Boulevard, City of Commerce, California 90040. I have been employed by Roochi for the last ten years.
2. I submit this declaration in support of Plaintiff's Motion for an Order to Show Cause for a (1) Temporary Restraining Order, (2) Preliminary Injunction, (3) Seizure Order, (4) Asset Restraining Order and (5) Order for Expedited Discovery. The facts stated herein are based on my personal knowledge, review of company records, and/or facts told to me that I believe to be true. If called to testify regarding same, I could do so competently.

3. Roochi is a family-owned business that started in 1984. The company has grown into a leading manufacturer and distributor of sportswear and activewear with annual sales of over \$30 million. Roochi has offices in California, New York, Miami and India. Roochi has over 165,000 square feet of warehouse space to accommodate its growing distribution operations. A true and correct copy of a print-out from Roochi's corporate website is attached hereto as Exhibit A.

4. Since 2002, Roochi has manufactured and sold cotton t-shirts under the COTTON HERITAGE trademark. Over the years, Roochi has enjoyed success by manufacturing and distributing COTTON HERITAGE branded t-shirts, which are known for their quality among the trade. Roochi takes pride in its reputation for fair dealing and material quality, for example, even after many washings, heat transfer printing designs retain integrity and the material resists fading and showing wear. As a result of Roochi's quality workmanship at a fair value, Roochi's COTTON HERITAGE branded t-shirts alone generate over \$7 million annually in sales.

5. Roochi sells its COTTON HERITAGE branded t-shirts to distributors and wholesalers, who in turn, sell to other distributors or retailers, in bulk amounts, i.e., hundreds of dozens per sale. Roochi sells black COTTON HERITAGE branded t-shirts for \$22 a dozen and white COTTON HERITAGE branded t-shirts for \$20 a dozen.

6. Roochi owns U.S. Trademark Registration No. 2,595,692 for the mark COTTON HERITAGE. A true and correct copy of the federal registration is attached hereto as Exhibit B.

7. On or about the week of March 17, 2008, I contacted West Side Socks Ltd., a New York corporation having a place of business at 25 West 27th Street, New York, New York 10001 ("West Side Socks"), to inquire about their order for COTTON HERITAGE branded t-shirts. Since West Side Socks had placed many orders for COTTON HERITAGE branded t-

shirts with me, I thought it unusual that the company representative did not follow up with his most recent order for 300 cases (i.e., 1800 dozen shirts).

8. On or about March 20, 2008, I personally went to West Side Socks' place of business at 25 West 27th because I had heard from my other customers that West Side Socks had recently purchased an order of black COTTON HERITAGE branded t-shirts from a company called Tip Top Tees, Inc. ("Tip Top Tees") for \$18 a dozen. While at West Side Socks' place of business, I personally saw white boxes with the name "ROSE DEAL COTTON-TEES U.S.A." printed on the side. These boxes contained black t-shirts with counterfeit COTTON HERITAGE labels (the "Counterfeit Products"). The Counterfeit Products that West Side Socks had purchased from Tip Top Tees were of lesser or unknown quality than Roochi's authentic COTTON HERITAGE branded t-shirts.

9. The representative said that upon opening one of the boxes, he discovered that the t-shirts contained exact copies of Roochi's COTTON HERITAGE label. He told me that he was confused why Tip Top Tees was selling COTTON HERITAGE t-shirts. West Side Socks volunteered to give me two black t-shirts from the Tip Top Tee shipment so that I could that I determine more closely if the shirts were counterfeit and, indeed, they were. True and correct photographs of the two counterfeit COTTON HERITAGE t-shirts are attached hereto as Exhibit C.

10. Upon closer examination I determined that the stitching on the counterfeit "COTTON HERITAGE" t-shirt is coarse and raised whereas the stitching on the genuine COTTON HERITAGE t-shirt is smooth and flush with the material of the t-shirt. I examined these shirts and determined that they were counterfeit goods of less or unknown quality.

11. The West Side Socks' representative told me that on or about the week of March 17, 2008, an Asian female representative from Tip Top Tees visited his offices and said that she inquired if he would like to purchase black t-shirts.

12. The representative further disclosed to me that on or about the week of March 17, 2008, he ordered 150 boxes of black t-shirts (900 dozen) from Tip Top Tees, which he pre-sold to a customer.

13. On or about March 21, 2008, when I returned to West Side Socks' place of business at 25 West 27th Street, I saw a truck from Gold Trucking delivering boxes to West Side Socks. The words "ROSE DEAL COTTON-TEES U.S.A." were displayed on the side of each box. I recognized these boxes from the day before as the same boxes that contained the counterfeit "COTTON HERITAGE" t-shirts I saw at West Side Socks. The West Side Socks representative confirmed that this was the second delivery of the counterfeit "COTTON HERITAGE" t-shirts from Tip Top Tees. I personally observed an Asian female, a Tip Top Tee representative, unloading boxes of what I believed to be counterfeit "COTTON HERITAGE" t-shirts. True and correct copies of photographs of Tip Top Tee representatives unloading boxes are attached hereto as Exhibit D.

14. On or about the week of March 17, 2008, a customer who regularly purchases t-shirts from Mr. Paul and myself, informed me that Mr. Paul boasted to him that he was underselling Roochi with Counterfeit Products, laughing that there was nothing Roochi could do to stop the illegal activity.

15. Since the week of March 17, 2008, I have been contacted by numerous distributors and customers who have been asking for a discounted rate due to Tip Top Tee flooding the U.S. market from Florida to New York to Ohio with Counterfeit Products, which

appear to be selling for \$15-18 a dozen which \$4-7 less than the price of genuine COTTON HERITAGE t-shirts, a substantial amount when selling 1800 dozen (e.g., a savings of \$7,200 - 12,600). Many of the Roochi distributors are frustrated because their customers are buying Counterfeit Products from Tip Top Tees under the false assumption that they are purchasing authentic goods.

16. On March 25, 2008, I personally delivered the two counterfeit "COTTON HERITAGE" t-shirts obtained from West Side Socks to Mimi Rupp at Kenyon & Kenyon LLP.


17. On or about March 27, 2008, I was contacted by a Roochi distributor who informed me that some of his customers in Ohio were complaining about being charged the standard price, \$22 a dozen, for COTTON HERITAGE branded t-shirts, when they were getting offers from Tip Top Tees who was selling "COTTON HERITAGE" t-shirts as low as \$15 a dozen. The distributor was very upset because he claimed that it is difficult for him to sell the authentic COTTON HERITAGE t-shirts in a market flooded by cheaper counterfeit goods. Tip Top Tees's importation, distribution, and sales of the Counterfeit Products are destroying Roochi's relationships with its distributors and customers. Moreover, the lesser or unknown quality of the Counterfeit Products has caused and is causing irreparable damage to the COTTON HERITAGE brand.

18. Roochi did not authorize Tip Top Tees, Inc., Glamour Line Inc., Glamour (USA), Inc., Alpha Merchandising Corp., Rose Deal, Inc., Haryash Paul, Mohammed Rahman, nor Mohammed Faroque (collectively, "Defendants") to manufacture, distribute, or sell any shirts bearing a counterfeit reproduction of the COTTON HERITAGE label. Defendants' Counterfeit Products are not genuine products manufactured by or for Roochi and Roochi did not inspect,

package or approve the Counterfeit Products for sale or distribution. Roochi is not missing any shipments of its genuine COTTON HERITAGE t-shirts.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed on this 9 day of April.



Sajid Ali

## **EXHIBIT A**

[:| HOME](#) [:|: CATALOGS](#) [:|: HISTORY](#) [:|: IN NEWS](#) [:|: CONTACT](#) [:|:](#)

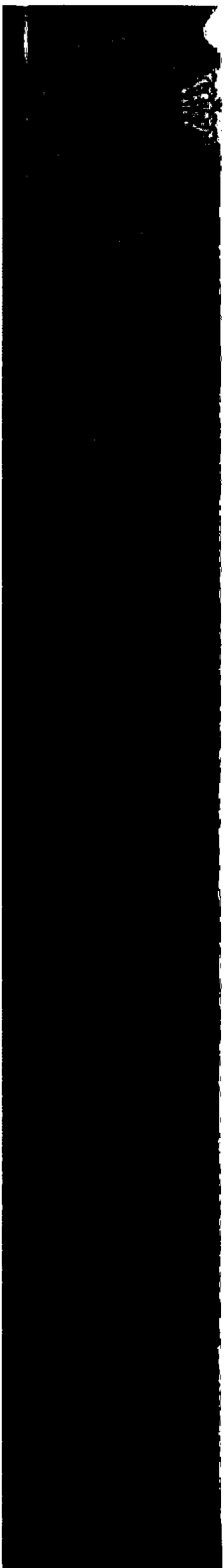
Roochi Traders , Inc. is a leading distributor of sportswear & activewear across US. It was founded in year 1982 with headquarters being based in City of Commerce, California with offices in New York, Miami and India.



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## Roochi Traders, Inc.



When 14-year old Neeraj "Mickey" Sachdeva left India and came to the United States in 1982, it didn't take him long to jump head-first into American commerce. First, Mickey took on a newspaper route. Then he got a job washing recreational vehicles. He flipped hamburgers at Wendy's. Had a stint as a cashier at Knott's Berry Farm. Worked in a General Motors plant. Took a job as a bank teller. Still a teenager, Mickey already had had more jobs than most 30-year-olds.

"It gave me an insight into a lot of different things," says Mickey. "How to deal with people, how to handle money, how businesses work."

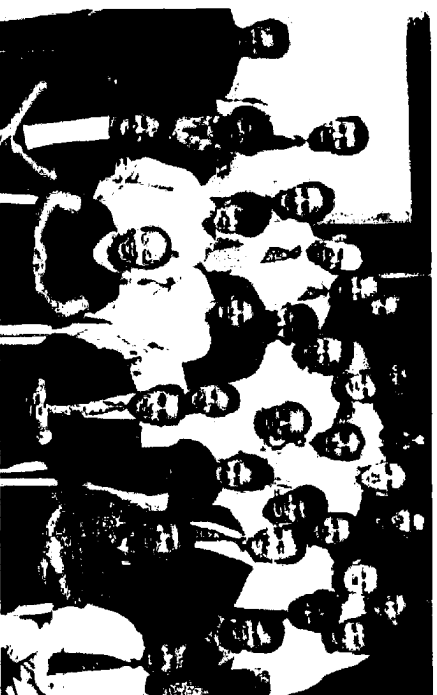
Apparently he learned his lessons well. Mickey, now 35 years old, is vice president of Roochi Traders Inc., a leading distributor of sportswear and active wear. Roochi is based in the City of Commerce, California, but the company also has offices in New York, Miami, and India. Roochi also has two subsidiaries Vimco Enterprise, which deals in the importing, distribution and trading of marble and granite, and Universal Impressions, which does the sort of heat-transfer printing typically seen on t-shirts.

### Company Roots

Roochi Traders Inc. is the proverbial large oak that grew from a small acorn. The company was founded by Mickey's father, Vishwa Sachdeva, back in 1982, the year Mickey and his dad came to America.

Landing in the country with only \$25 in his

pocket, Vishwa started importing fabrics from Japan with the help of some relatives. Then in 1986, when the Japanese yen turned strong, and it was no longer profitable to import from Japan, Vishwa began selling garments to Indian shops in the Los Angeles area. Mickey's mother, Prem, would sew from 6 AM to midnight every day, making the clothes that Vishwa would sell. Mickey's brother, Vikram (Vik), helped out with the family business, and so did Mickey when he wasn't busy with schoolwork.



Mickey Sachdeva (center, bottom row) with the Roochi Traders staff

By the time he was in the 11th grade, Mickey, always the budding entrepreneur, began pressuring his father to let him take on a bigger role in the business. "But my dad, a typically Indian father, wanted me to concentrate on my education first," says Mickey. "I was very persistent and told him I would bug him every day about it. My father finally said, 'OK, I'll let him feel the heat of the sun, feel what it's like to be out in the real world.'"

Vishwa gave Mickey a box full of undergarments and had Vik drop off his younger brother at a Los Angeles flea market. Mickey was told to sell the undergarments, but wasn't given any instructions about how to do it. The resourceful Mickey managed to sell 20 dozen of the 24 dozen pieces he had in the box, and a businessman was born.

## Branching Out

Mickey started selling garments out of the family garage, splitting his time between the fledgling business and the college classes he had begun taking.

Mickey's neighbor inadvertently gave him a push that proved to be exactly what Mickey and the business needed. Because large trucks were constantly rolling up to the Sachdeva house to drop off and carry away merchandise, his neighbor complained to the authorities. Local officials told him he could no longer use his garage as a commercial facility. So in 1988, after being kicked out of his makeshift warehouse, Mickey got a real

warehouse, an 800-square-foot facility in Santa Fe Springs, California.



An aerial view of the  
Roochi Traders headquarters in City of Commerce, CA

As the business grew, Mickey moved Roochi into larger warehouses, gaining several hundred square feet with each move. Today, the company is based in a 110,000-square-foot warehouse in the City of Commerce, its headquarters since 1996. The company also has distribution centers in New York and Miami, for a total of 165,000 square feet of warehouse space.

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## **EXHIBIT B**

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 2,595,692**

**Registered July 16, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**COTTON HERITAGE**

ROOCHI TRADERS, INC. (CALIFORNIA CORPORATION)  
6393 E. WASHINGTON BLVD.  
CITY OF COMMERCE, CA 90040

FOR: APPAREL WHICH IS MADE IN WHOLE OR SIGNIFICANT PART FROM COTTON, NAMELY, SHIRTS, SWEATSHIRTS, PANTS, SWEATPANTS, SHORTS, TANK TOPS, TRACK SUITS, AND VESTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

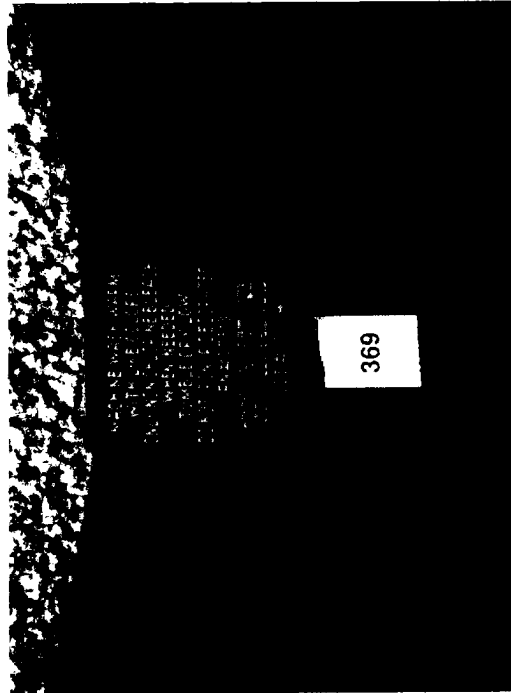
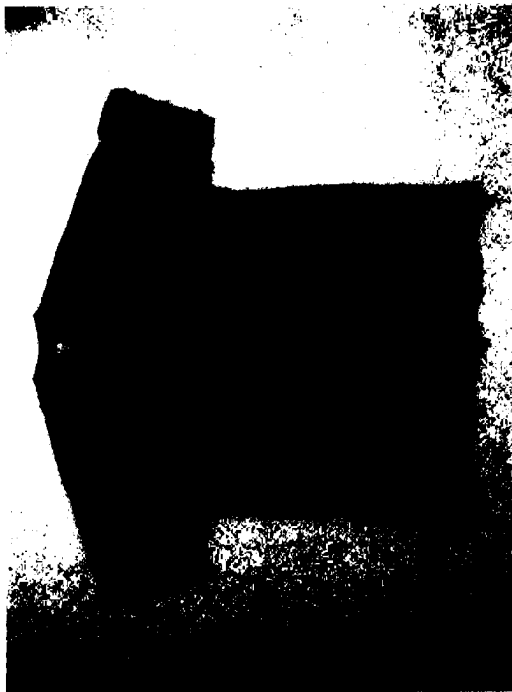
FIRST USE 1-15-2002; IN COMMERCE 1-15-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COTTON", APART FROM THE MARK AS SHOWN.

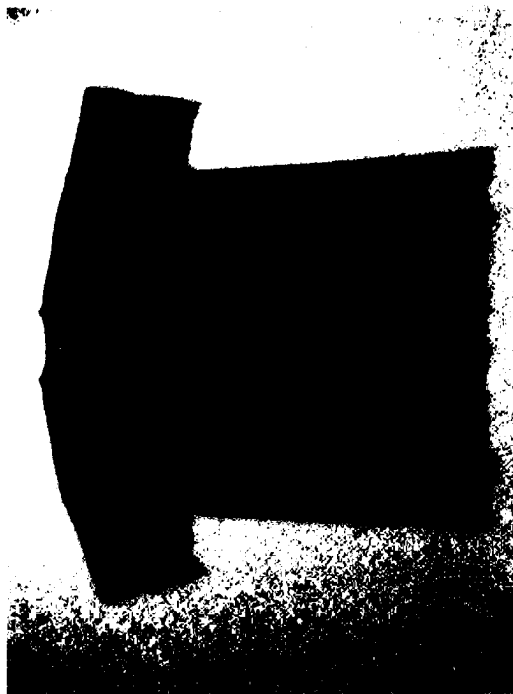
SN 76-150,210, FILED 10-19-2000.

CHRISIE B. KING, EXAMINING ATTORNEY

## **EXHIBIT C**

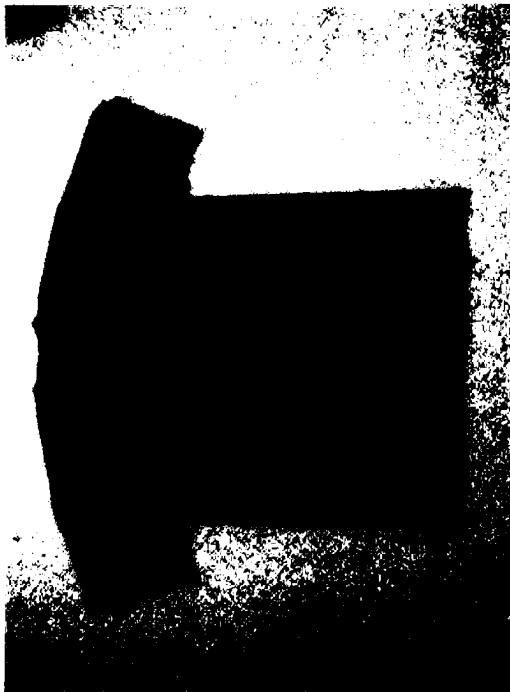


AUTHENTIC COTTON HERITAGE TEE-SHIRT  
Clockwise from top left: Full tee-shirt view, front tag, back tag



COUNTERFEIT COTTON HERITAGE TEE-SHIRT #1  
Clockwise from top left: Full tee-shirt view, front tag, back tag





COUNTERFEIT COTTON HERITAGE TEE-SHIRT #2  
Clockwise from top left: Full tee-shirt view, front tag, back tag

## **EXHIBIT D**







